

REMARKSA. Request for Reconsideration

Applicants have carefully considered the matters raised by the Examiner in the outstanding Office Action but remain of the position that patentable subject matter is present. Applicants respectfully request reconsideration of the Examiner's position based on the Declaration of Yuuko Yamaguchi, the amendments to the claims and the following remarks.

B. Claim Status and Amendments

Claims 1-16 are presented for further prosecution.

Claim 15 has been amended to correct a minor typographical error. No new matter has been added.

C. The Office Action

The Examiner had indicated that the subject matter of claims 4, 5, 7, 8, 12 and 14 is allowable. Claims 1-2, 6, 9-11, 13, 15 and 16 had been rejected as being unpatentable over "Hiroo" (hereinafter Kobayashi, JP 6-130740) in view of "Konica Corp. (hereinafter Yamaguchi, JP 2003-129027).

1. Yamaguchi is a publication of the present invention

Patent applications disclosing the present invention were filed in Japan and the US. Yamaguchi is the Japanese publication which corresponds to the present invention. Yamaguchi is prior art under § 102(a) because Yamaguchi was published on May 8, 2003, less than one year prior to the March 23, 2004 filing date of the US application.

According to MPEP § 706.02(b), § 102(a) does not apply when the reference is a publication of Applicants' own work. Applicants have enclosed a Declaration executed by Yuuko Yamaguchi which confirms that the Yamaguchi reference is a publication of Applicants' own work.

Applicants respectfully submit that Yamaguchi is not prior art and that the obviousness rejection based on Yamaguchi and Kobayashi is overcome.

D. Conclusion

In view of the foregoing and the enclosed, it is respectfully submitted that the application is in condition for allowance and such action is respectfully requested. Should any extensions of time or fees be necessary in order to maintain

this Application in pending condition, appropriate requests are hereby made and authorization is given to debit Account # 02-2275.

Respectfully submitted,

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Encl: Declaration of Yuuko Yamaguchi  
Return receipt postcard